

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

B.M., as Administratrix of the Estate of Her Sister
Z.O.,

Plaintiff,

– against –

ELIZABETH GONZALEZ, SHIRLEY
WASHINGTON, PURITY MABODOKO,
CHRISTINE BARNETT, NIESHA JOHNSON,
BERNICIA SOGBESAN, CAROL CARD,
ANGELINE NEELY, TORRAINE BAYNES,
RAVEN ELLIS, ANGELA MARTIN, SHEMAIAH
HARGROVE, NIESHA WHITE, KRISTAL DIXON,
VANESSA WOODS, OLUEBERE NWOKOCHA,
AVRIL BROWN, and DAVID ROTCHFORD,

,Defendants.

22-CV-2658 (VEC) (RFT)

USDC SDNY
DOCUMENT
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DATE FILED: 12/27/24

~~(PROPOSED)~~ ORDER OF COMPROMISE

WHEREAS, on March 25, 2022, Plaintiff B.M., as the Administrator of the Estate of her Sister Z.O., filed *B.M. v. State*, No. 137635 (Ct. Cl. 2022) in the New York Court of Claims (the “Court of Claims Action”);

WHEREAS, on March 31, 2022, Plaintiff B.M., as the Administrator of the Estate of Z.O., filed this action (the “Present Action”);

WHEREAS, On February 10, 2023, pursuant to the agreement of the parties in the Court of Claims Action, the Court of Claims ordered conditional dismissal of the Court of Claims Action, pending disposition of the Present Action;

WHEREAS, on December 18, 2024, the parties entered into a Stipulation of Settlement, General Release, and Order of Dismissal, attached as Exhibit C to the Declaration of

Ilann M. Maazel dated December 19, 2024, settling the Present Action and the Court of Claims Action for Ten Million Dollars (\$10,000,000.00) plus waiver by the State of New York of any Office for People with Developmental Disabilities liens, including two alleged New York State Medicaid liens against Z.O.’s Estate totaling \$6,885,604.16 (the “Settlement”); and

WHEREAS, pursuant to N.Y. E.P.T.L. § 5-4.6, Plaintiff B.M. requests that this Court approve the Settlement.

IT IS ORDERED that:

1. The Settlement is approved. Plaintiff B.M., as Administrator of the Estate of Z.O., is authorized to settle and discontinue the claims and causes of action of the estate against the defendants.

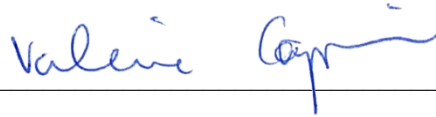
2. No later than one hundred and twenty (120) days from the issuance of this Order, Defendants shall deliver to plaintiff’s counsel a check made payable to “Emery Celli Brinckerhoff Abady Ward & Maazel LLP, as Attorneys for B.M., as Administratrix of the Estate of Z.O.,” in the amount of Ten Million Dollars (\$10,000,000.00) (hereinafter the “Settlement Amount”).

3. Plaintiff’s counsel Emery Celli Brinckerhoff Abady Ward & Maazel LLP (“ECBAWM”) shall deposit the Settlement Amount in an interest-bearing escrow account (the “Account”).

4. ECBAWM shall continue to serve as attorneys for the estate until the entry of a final decree in the Surrogate’s Court.

5. ECBAWM shall maintain the Settlement Amount in the Account until the Surrogate’s Court enters a final decree concerning the distribution and allocation of the settlement to the Estate, including payment of Plaintiff’s attorney’s fees and costs.

Date: December 27, 2024

A handwritten signature in blue ink, reading "Valerie Caproni", written over a horizontal line.

HON. Valerie E. Caproni, U.S.D.J.